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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JAMES M. KINDER, Plaintiff, vs. HARRAH'S ENTERTAINMENT, INC. and DOES 1 through 100, inclusive, Defendants.	CASE NO. 07 CV 2226 H (RBB) Judge: Hon. Marilyn L. Huff Mag. Judge: Hon. Ruben B. Brooks RESPONSE BY *SPECIALLY APPEARING* DEFENDANT HARRAH'S ENTERTAINMENT INC. TO NATIONWIDE RECOVERY SYSTEMS, LTD.'S NOTICE OF RELATED CASES [L.R. 40.1.E.] IN SOUTHERN DISTRICT CASE NO. 3:07-CV-02132 H (CAB)

Specially Appearing Defendant Harrah's Entertainment, Inc. files this response to Nationwide Recovery Systems, Ltd.'s Notice of Related Cases filed in Southern District Case No. 3:07-CV-02132 H (CAB) as follows:

1. On December 10, 2007, Nationwide Recovery Systems, Ltd. ("Nationwide") filed a Notice of Related Cases pursuant to Southern District of California Local Rule 40.1(e). Nine separate cases are listed in the Notice. James M. Kinder is the named plaintiff in all nine of the cases. Among the cases listed, is the case of *James M. Kinder v. Harrah's Entertainment, Inc.*, Case No. 07cv2226-H(RBB) (filed 11/21/2007).

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2. Nationwide states in the Notice that KINDER filed the listed cases under the Telephone Consumer Protection Act of 1991. However, *Specially Appearing* Defendant Harrah's Entertainment, Inc. believes its case is not related to the other listed cases in such a way as to "effect a saving of judicial effort and other economies." (S.D.L.R. 40.1(e).)

3. As noted in the notice of related cases, the case of *Kinder v. Harrah's Entertainment, Inc*. involves multiple other causes of action in addition to the cause of action under the Telephone Consumer Protection Act claim. Further, *Specially Appearing* Defendant Harrah's Entertainment, Inc. has already filed a responsive pleading to KINDER's complaint. In its responsive pleading, *Specially Appearing* Defendant Harrah's Entertainment, Inc. has contested this Court's exercise of personal jurisdiction over *Specially Appearing* Defendant. Further, *Specially Appearing* Defendant moved to dismiss Kinder's complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). *Specially Appearing* Defendant's motion to dismiss is set for hearing before the Honorable Marilyn L. Huff of the United State District Court, Southern District of California, on January 7, 2008, at 10:30 a.m.

4. Consolidating the case of *Kinder v. Harrah's Entertainment, Inc.* with the other eight cases listed in the notice of related cases would not serve the purposes of Local Rule 40.1(e) of effecting a saving of judicial effort and other economies. Accordingly, *Specially Appearing* Defendant Harrah's Entertainment, Inc. respectfully requests the case of *Kinder v. Harrah's Entertainment, Inc.*, Case No. 07cv2226-H(RBB) not be consolidated with the other cases listed in the notice of related cases and that it not be determined to be a "related case."

SHEA STOKES, ALC

Dated: December 14, 2007

By: /s/Ronald R. Giusso
Maria C. Roberts
Ronald R. Giusso
Attorneys for *Specially Appearing* Defendant
HARRAH'S ENTERTAINMENT, INC.